* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 1487-92 /2006**

% Date of Decision: 7th December, 2007

\# **Mahinder Pal Singh & Ors.** .....Petitioners

! Through Mr. C.L. Dhawan, Advocate

versus

$ **State & Anr.** ....Respondents

^ Through Mr. M.N. Dudeja, APP for the State.

Mr. Amit Gupta, Advocate for respondent no. 2.

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not?(No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

The present petition is filed by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of FIR no. 13/1998 for the offences under Sections 147/149/452/323/506/34 I.P.C. registered at Police Station Pratap Nagar on 20.01.1998 and the criminal proceedings emanating therefrom pending in the Court of Metropolitan Magistrate, Delhi.

2. Facts leading to the controversy are that some dispute relating to one property arose between respondent no. 2-complainant and Sardar Gurcharan Singh, father of petitioner no. 1 in which the decree for possession was passed in favour of the complainant by the civil court. Chagrined by this, Sardar Gurcharan Singh and petitioner no. 1 started threatening respondent no. 2 and on the alleged day of incident i.e. 28.08.1996 at about 9.30 p.m. when the complainant and his family members were sleeping, the accused persons pounced upon them and started beating them. Somehow the complainant got rid of petitioner no.1 and his father, who were allegedly trying to strangulate the complainant and he rushed to the police station after which the accused persons were taken to the police station. The police investigated the matter and filed the challan in the concerned court and after taking cognizance of the matter the learned Metropolitan Magistrate summoned the petitioners as accused persons.

3. During the pendency of the above said criminal proceedings respondent no. 2-complainant and the petitioners with the intervention of their well wishers sorted out their disputes and arrived at an amicable settlement. In view of that compromise this petition has been filed for quashing of the FIR in question. Learned counsel for petitioners submitted that since compromise has been arrived at between the parties no useful purpose would be served if the trial of the petitioners goes on. The learned counsel for the petitioners in support of his

submissions has cited some judgments of this Court reported as "***Basara & Ors. v. State & Anr." Crl. M.C. No. 6621-24/2006*** decided on 03.09.2007, "***Jaibir & Ors. v. State & Anr." 142(2007) DLT 141*** and in an earlier judgment also of this Court in "***Gurcharan Singh v. The State & Anr." 1998 Cri.L.J. 3780*** wherein the proceedings pending in the Court for the offences punishable under Section 307 I.P.C. were quashed in view of the compromise between the parties.

4. Notice of the petition was sent to the State and respondent no.2-complainant. Respondent no. 2 appeared in person along with his counsel on 12-9-2007 before this Court and affirmed that the matter has been amicably resolved and so he was no more interested in pursuing his case against any of the petitioners thereby supporting the prayer of the petitioners for quashing of the FIR and the criminal proceedings resulting therefrom. Affidavit of respondent no. 2 is also placed on record stating that he has settled all his disputes and claims with the petitioners and nothing now remains to be resolved.

5. Learned APP for the State, however, opposed quashing of the FIR on the ground that allegations against the petitioner are grave in nature.

6. I have considered the rival submissions made by the parties. It is now well

settled that cases even in respect of those offences which are not compoundable under section 320 Cr.P.C. can be quashed if it is felt by the Court while dealing with a quashing petition under section 482 Cr.P.C. that it would secure the ends of justice if the FIR and criminal proceedings arising therefrom are quashed and continuation of the investigation/criminal proceedings would amount to abuse of the process of law. Since both the parties in this petition have settled the dispute amongst themselves for bringing about peace and harmony and are living as law abiding citizens and civil litigation between them also stands compromised, no fruitful purpose would now be served if the trial of the accused persons goes on.

7. In view of the foregoing and considering the fact that this Court itself in its earlier decisions, relied upon by the counsel for the petitioners, has been allowing petitions for quashing of the FIRs on the basis of the settlement between the parties even in cases where allegations of serious nature inviting punishment upto imprisonment for life were levelled against the accused, I am inclined to allow this petition as it would amount to abuse of the process of law if the criminal case against the petitioners-accused is allowed to continue. Consequently FIR no. 13/1998 for the offences under Sections 147/149/452/323/506/34 I.P.C. registered at Police Station Pratap Nagar on 20.01.1998 and the criminal proceedings emanating therefrom pending in the Court of learned Metropolitan Magistrate, Delhi are hereby quashed.

P.K. BHASIN,J

December 7, 2007
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